IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FLOYD SELTZER, JR., : No. 3:24cv1142

Plaintiff

(Judge Munley)

v. :

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SOUTH MANHEIM TOWNSHIP, by and through their elected officials, JOHN BRENNAN, SALVADOR INGAGLIO, and CHRISTY JOY and ROADMASTER KERBY LEWIS

Defendant :

ORDER

AND NOW, to wit, this _____ day of April 2025, for the reasons set forth in an accompanying memorandum, it is hereby **ORDERED** that:

- Defendants' motion to dismiss (Doc. 9) is **GRANTED** in part and **DENIED** in part;
- 2) Defendants' motion is **GRANTED** as to Plaintiff Floyd Seltzer, Jr's claims regarding the alleged violations of his Fourteenth Amendment substantive and procedural due process rights alleged in Count 1 of the complaint;
- 3) Plaintiff's substantive and procedural due process claims are **DISMISSED** without prejudice and plaintiff may file a motion to amend regarding these claims within thirty (30) days of the date of this order;

- 4) Should plaintiff fail to file a motion to amend within this time frame, the dismissal of his substantive and procedural due process claims will convert to a dismissal with prejudice;
- 5) Defendants' motion is **GRANTED** as to plaintiff's state law claims asserted in Counts 3-7 of the complaint and those claims are **DISMISSED** with prejudice;
- 6) Defendants' motion is **GRANTED** regarding plaintiff's claim for punitive damages against Defendant South Manheim Township; and
- 7) Defendants' motion is **DENIED** in all other respects;

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Count